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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,707	01/02/2004	Joel W. Pfister	S522.12-0012	3806

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EXAMINER

SZUMNY, JONATHON A

ART UNIT PAPER NUMBER

3632

DATE MAILED: 04/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/750,707

Applicant(s)

PFISTER, JOEL W.

Examiner

Jon A Szumny

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 10 and 14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-13 and 15-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

This is the second office action for application number 10/750,707, Articulated Mount, filed on January 2, 2004.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Priority

Domestic priority of application number 60/438,965 filed on January 9, 2003 is acknowledged.

Election/Restrictions

Newly submitted claims 10 and 14 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Claims 10 and 14 specify that the tapered axle further includes a tapered mount. Clearly, the tapered axle including the tapered mount is shown in figure 8b, which is part of species 1, figures 1A-1C (see lines 15-16 of page 7 of the specification). Such a tapered axle further including a tapered mount is just not shown as being used with the elected system of species 6, figures 18A-18B.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 10 and 14 withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “knurled spindle” of claims 12 and 16 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Double Patenting

Applicant is advised that should claims 2-4 be found allowable, claims 5, 6 and 17 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing,

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despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 102

Claims 1, 2, 4-9, 12, 13 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent number 3,409,315 to Wichers et al.

Regarding claim 1, Wichers et al. '315 discloses a system (figure 2) comprising a first plurality of support elements (18,20, generally), and a second plurality of adjustable drag tapered bearings (32/66 and 86/88) for pivotally connecting adjacent support elements.

With respect to claims 2, 4-9, 12, 13 and 16, Wichers et al. '315 discloses a system (figure 2) comprising a plate (22), another plate (14), and an articulated linkage (12,18,20) between the first plate/mount and the another plate including a first tapered bearing for providing adjustable drag pivotal movement about a first pivot axis, wherein the adjustable drag tapered bearing comprises a tapered axle (26, 28, generally) including a tapered spindle (32) carried by a first element (20, generally) of the linkage, a tapered bore (66) carried by a second element (18, generally) of the linkage, and a means (70,72) for providing an adjustable axial force between the tapered spindle and the tapered bore to control friction therebetween and comprising a screw, wherein the tapered axle is rigidly attached to the first support element, wherein the tapered bore is part of a bushing (58, generally) carried by the second support element, wherein the tapered bore is formed in the second support element (when the second support element is alternatively 18,58, generally), wherein the tapered axle further includes a knurled spindle (28,56), wherein the first element of the linkage carries a bore (57), wherein the knurled spindle is pressed into the bore of the first support element (at 56).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wichers et al. '315 in view of U.S. Patent number 3,601,598 to Horn.

Wichers et al. '315 teaches the previous invention failing to specifically reveal the system to include a second adjustable drag tapered bearing providing movement about a second axis displaced from the first pivot axis. Nevertheless, Horn '598 teaches a system (figure 3) including an articulated linkage with first and second bearings (20,24) for providing movement about first and second pivot axes displaced from each other. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided a second adjustable drag tapered bearing providing movement about a second axis displaced from the first axis on the system of Wichers et al. '315 so as to increase the utility of the device by providing for a more adjustable device.

Claims 11 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wichers et al. '315 in view of U.S. Patent number 2,986,395 to Sheftel.

Wichers et al. '315 teaches the previous invention wherein the tapered axle further includes a knurled spindle, but fails to specifically teach the tapered axle to further include a threaded spindle, wherein the first element carries a threaded bore such that the threaded spindle is screwed into the threaded bore of the first element (note that Wichers et al. '315

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mentions that the connection of the first element and the tapered axle is not limited to the protrusion/knurl connection, see column 4, lines 46-47). Nevertheless, Sheftel '395 teaches the well known method of connecting two cylindrical type members (20, 12) via a threaded spindle (bottom of 12) screwed into a threaded bore (within 20). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the system of Wichers et al. '315 so as to include a threaded spindle on the tapered axle screwed into a threaded bore of the first element so as to provide an alternate and secure connection between the first element and the tapered axle.

Response to Arguments

Applicant's arguments filed December 30, 2004 have been fully considered but they are not persuasive.

Applicant's arguments with respect to claims 1-9, 11-13 and 15-18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Akiyama '393, Baucom '164, Chung '929, Katagiri '356, Meeuwissen '308, Liu '576 and Maatta '377 teach various systems with drag bearings.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jon A Szumny whose telephone number is (571) 272-6824. The examiner can normally be reached on Monday-Friday 8-4.

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The fax phone number for the organization where this application and proceeding are assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-3600.

A handwritten signature in black ink, appearing to read 'Jon Szumny', with a large, sweeping flourish extending to the right.

Jon Szumny
Patent Examiner
Technology Center 3600
Art Unit 3632
April 23, 2005